



July 7, 2000

Ms. Sherry Green
U.S. Environmental Protection Agency
Office of Site Remediation Enforcement (MC 2272A)
1200 Pennsylvania Ave., NW
Washington, DC 20460

RE: Recycling Meeting

Dear Ms. Green:

The American Forest & Paper Association (AF&PA) appreciates the opportunity to comment on EPA's June 14, 2000 **Federal Register** notice regarding whether to issue guidance on the Superfund Recycling Equity Act (SREA). AF&PA is the trade association of the forest, paper, and solid wood products industry. Our organization represents over 200 member companies and related trade associations that grow, harvest, and process wood and wood fiber; manufacture pulp, paper and paperboard from both virgin and recycled fiber; and produce solid wood products. AF&PA represents a vital national industry, which accounts for over eight percent (8%) of total US manufacturing output.

Members of the AF&PA purchase recovered fibers (also known as scrap paper) and convert them into new products. To this end, the U.S. forest products industry has a long record of accomplishments where it comes to recycling – achieving new highs over the past decade, more paper is recovered from the municipal solid waste stream than all other materials combined. Paper recovery rose by 2.2 million tons in 1999 to a high of 47.3 million tons. As such, many of our members meet the concept of “consuming facility” discussed in the SREA.

It is the opinion of AF&PA that EPA does not need to prepare guidance on prospective recycling transactions. We believe that current standard practices within the industry and the strong business relationships that exist between the scrap paper broker/supplier and scrap paper consuming facilities (i.e., recycled paper mills) will help define the set of standards that define “reasonable care.” Furthermore, we would be concerned that any Agency guidance that establishes “reasonable care” criteria beyond the statutory language prior to full implementation of the SREA could adversely impact recycling operations and specifically those business relationships that have been established over many years. Those relationships are the centerpiece of the paper industry's spectacular growth in paper recovery – an increase of 13.4 million tons between 1992 and 1999 (4.9% per year).

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In answer to EPA's question in the **Federal Register** notice, we believe that the SREA does not obligate consuming facilities to complete checklists or to self-certify that they are in compliance with local, state and federal environmental laws and regulations. Whatever agreements are established between the broker/supplier and the consuming facility as part of their business transactions will determine what, if any, information the consuming facility will provide the broker/supplier. To "enshrine" the notion of a checklist or certification within EPA guidance would likely limit possible innovative approaches that brokers/suppliers identify to assure that the consuming facilities to which they sell scrap paper are in "compliance."

Finally, in order for the broker/supplier to benefit from the SREA, he or she must comply with the criteria set out in the statute. It is incumbent upon the broker/supplier to determine the level of comfort he or she has with the consuming facilities to which he or she delivers scrap. The sufficiency of information to make that determination and the degree to which he or she researches the consuming facility's compliance history is all dependent upon the level the broker/supplier wants to be assured exemption under the SREA. No amount of guidance from EPA can assure the broker that he is meeting the criteria of the SREA. As a result, we do not believe EPA should use its resources to do so.

Please do not hesitate to contact either of us if you have any questions regarding these comments.

Sincerely yours,

/S/
Cherae Bishop, Director
Fiber Recovery & Utilization

/S/
Amy Schaffer, Senior Director
Industrial Waste

cc: Myron Eng, OECA EPA
Industrial Waste Committee
Paper Recycling Group
Environmental Law Committee